

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 109th Congress¹**

[Date approved: November 10, 2005]²

Bill No. and sponsor: H.R. 2581 (Mr. Jo Bonner of Alabama).

Proponent name, location: DuPont, Wilmington, DE.

Other bills on product (109th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2009.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Mixtures of 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidinedione] (famoxadone) (CAS No. 131807-57-3), 2-cyano-*N*-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) (CAS No. 57966-95-7) and application adjuvants (provided for in subheading 3808.20.15).

Check one: Same as that in bill as introduced.
 Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject product is an end-use, broad-spectrum fungicide for control of various diseases such as grape downy mildew, potato and tomato late and early blights, wheat leaf and blume blotch, barley net blotch, and Asian rust. The product is imported from Spain.

Estimated effect on customs revenue:

HTS subheading: <u>3808.20.15</u>					
	2005	2006	2007	2008	2009
Col. 1-General rate of duty					
Col. 1-General rate of duty	6.5%	6.5%	6.5%	6.5%	6.5%
Estimated value <i>dutiable</i> imports	\$4,000,000	\$4,300,000	\$5,000,000	\$5,300,000	\$5,600,000
Customs revenue loss	\$260,000	\$279,500	\$325,000	\$344,500	\$364,000

Source of estimated dutiable import data: Industry estimates.

¹ Industry analyst preparing report: Jeff Clark (202-205-3318); Tariff Affairs contact: David Michels (202-205-3440).

² Access to an electronic copy of this memorandum is available at http://usitc.gov/tata/hts/other/rel_doc/bill_reports/index.htm.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	US production of same or competitive product claimed?	Submission attached?	Opposition noted?
DuPont, (Proponent) Elaine Olsen, 302-992-2263	09/12/2005	No	No	No
BASF Corp. Tom Coleman, 202-289-3900	09/12/2005	No	No	No
Bayer CropScience Jean Reimers, 202-756-3779	09/12/2005	No	No	No
Crop Life America Lawrence Norton, Fax: 202-463-0474	09/12/2005	No	No	No
Dow Agro Science Margaret Rogers, Fax: 202-429-3467	09/12/2005	No	No	No
FMC Corp. Jerry Prout, 202-956-5219	09/12/2005	No	No	No
Monsanto Corp. Linda Strachan, 202-383-2849	09/12/2005	No	No	No
Syngenta Crop Protection Mike Blythe, 336-632-6000	09/12/2005	No	No	No
Valent BioSciences Corp. Robin Demouth, 925-256-2758	09/12/2005	No	No	No

Technical comments:³

The proposed article description should be modified to read as follows:

Mixtures of 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidinedione] (famoxadone) (CAS No. 131807-57-3), 2-cyano-*N*-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) (CAS No. 57966-95-7) and application adjuvants (provided for in subheading 3808.20.15)

³ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

109TH CONGRESS
1ST SESSION

H. R. 2581

To suspend temporarily the duty on the formulated product containing mixtures of the active ingredients 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidione] (famoxadone) and 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) and application adjuvants.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. BONNER introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To suspend temporarily the duty on the formulated product containing mixtures of the active ingredients 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidione] (famoxadone) and 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) and application adjuvants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MIXTURES OF FAMOXADONE AND CYMOXANIL.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is

1 amended by inserting in numerical sequence the following
 2 new heading:

“	9902.07.49	Formulated product containing mixtures of the active ingredients 5-methyl-5-(4-phenoxyphenyl)-3-(phenylamino)-2,4-oxazolidinedione] (famoxadone) (CAS No. 131807-57-3) and 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) (CAS No. 57966-95-7) and application adjuvants (provided for in subheading 3808.20.15) ..	Free	No change	No change	On or before 12/31/2009	”.
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3 (b) EFFECTIVE DATE.—The amendment made by
 4 subsection (a) applies to goods entered, or withdrawn from
 5 warehouse for consumption, on or after the 15th day after
 6 the date of the enactment of this Act.

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